

## UNITED STATES DISTRICT COURT

for the

District of Nevada

Southern Division

Susana Ika

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Delta Air Lines, Inc

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

2:24-cv-02395-CDS-DJA  
(to be filled in by the Clerk's Office)Jury Trial: (check one)  Yes  No

FILED	RECEIVED
ENTERED	SERVED ON
COUNSEL/PARTIES OF RECORD	
DEC 23 2024	
CLERK US DISTRICT COURT	
DISTRICT OF NEVADA	
RJN/6	DEPUTY

## COMPLAINT FOR A CIVIL CASE

## I. The Parties to This Complaint

## A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Susana Ika
Street Address	823 Grape Vine Avenue
City and County	Henderson, Clark County
State and Zip Code	Nevada, 89002
Telephone Number	702-576-8252
E-mail Address	sanaika@live.com

## B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (*if known*). Attach additional pages if needed.

**Defendant No. 1**

Name	Delta Air Lines, Inc
Job or Title ( <i>if known</i> )	
Street Address	1030 Delta Blvd Dept 180
City and County	Atlanta, Fulton County
State and Zip Code	Georgia, 30354
Telephone Number	404-715-3586
E-mail Address ( <i>if known</i> )	

**Defendant No. 2**

Name	
Job or Title ( <i>if known</i> )	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address ( <i>if known</i> )	

**Defendant No. 3**

Name	
Job or Title ( <i>if known</i> )	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address ( <i>if known</i> )	

**Defendant No. 4**

Name	
Job or Title ( <i>if known</i> )	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address ( <i>if known</i> )	

**II. Basis for Jurisdiction**

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

- Federal question       Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

**A. If the Basis for Jurisdiction Is a Federal Question**

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

1. Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000e et seq.)
  - o Prohibits religious discrimination in employment and mandates that employers reasonably accommodate an employee's religious beliefs unless doing so would cause undue hardship.
  - o 42 U.S.C. § 2000e-3 provides protection from retaliation for requesting accommodations or opposing discriminatory practices.
2. Religious Freedom Restoration Act (RFRA), 42 U.S.C. § 2000bb et seq.
  - o Protects individuals from government action that imposes a substantial burden on their religious exercise unless the government can show a compelling interest and use the least restrictive means.
  - o The RFRA provides an additional layer of protection for religious freedoms, beyond what is guaranteed under Title VII.
3. First Amendment, U.S. Constitution
  - o Protects the free exercise of religion, ensuring that governmental actions do not interfere with an individual's ability to practice their religion.
  - o In this case, the First Amendment serves as a constitutional foundation for Plaintiff's claim that Delta Air Lines' actions unduly burden her religious practices.

**B. If the Basis for Jurisdiction Is Diversity of Citizenship**

## 1. The Plaintiff(s)

## a. If the plaintiff is an individual

The plaintiff, *(name)* Susana Ika, is a citizen of the  
State of *(name)* Nevada.

## b. If the plaintiff is a corporation

The plaintiff, *(name)* \_\_\_\_\_, is incorporated  
under the laws of the State of *(name)* \_\_\_\_\_,  
and has its principal place of business in the State of *(name)* \_\_\_\_\_.

*(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)*

2. The Defendant(s)

a. If the defendant is an individual

The defendant, (name) \_\_\_\_\_, is a citizen of \_\_\_\_\_.  
the State of (name) \_\_\_\_\_ . Or is a citizen of  
(foreign nation) \_\_\_\_\_.

b. If the defendant is a corporation

The defendant, (name) Delta Air Lines, Inc \_\_\_\_\_, is incorporated under  
the laws of the State of (name) Delaware \_\_\_\_\_, and has its  
principal place of business in the State of (name) Georgia  
Or is incorporated under the laws of (foreign nation) \_\_\_\_\_,  
and has its principal place of business in (name) \_\_\_\_\_.

*(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)*

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (*explain*):

1. Back Pay: \$4,044.80 (for lost wages from March 22, 2023, to April 22, 2023)
2. Future Lost Wages (Front Pay): \$105,452.80 (2 years of lost wages)
3. Emotional Distress: \$50,000
4. Punitive Damages: \$300,000

Total Amount Requested: \$459,497.60 (excluding attorney's fees and potential reinstatement or if reinstatement is not feasible, compensation for the loss of future employment opportunities in the airline or airport industry).

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**III. Statement of Claim**

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

**Claim 1: Religious Discrimination and Failure to Accommodate Under Title VII of the Civil Rights Act of 1964**

2. Plaintiff's Employment History: Plaintiff, Susana Ika, was employed as an Airport Customer Service Agent for Delta Air Lines, Inc. from July 2015 until her unlawful suspension on March 22, 2023 and subsequent termination in April 2023. Plaintiff had no prior issues related to performance, conduct, or attendance, and consistently received positive evaluations from peers and supervisors.

3. Religious Beliefs: Plaintiff is a person of sincere religious faith a convert and devout member of the church of Jesus Christ of Latter Day Saints, Plaintiff believes in praying and receiving spiritual guidance when making decisions. Plaintiff believes in the gift of agency and that she should not be forced into participation in the Rap Back Program, which mandates continuous surveillance of her, the mandate conflicts with her religious beliefs, which include a duty in defending the constitution and its principles such as her protections under the 4th and 5th amendment.

4. Failure to Inform Plaintiff: In June 2022, Plaintiff renewed her SIDA badge at Harry Reid Airport. At that time, Plaintiff was not informed of any federal mandates requiring her participation in the Rap Back Program with Delta, nor was she told of any associated consequences for non-compliance. She completed the rebadging process without enrolling in the Rap Back Program, and no disciplinary action was taken. She worked severral months without any knowledge about the mandated program.

5. Request for Religious Accommodation: On March 17, 2023 Plaintiff was informed via email about the FAA Mandate for all airports and airlines to participate in the Rap Back Program, the email came from Defendant's LAS Department Manager Beemer, On March 20, 2023, Plaintiff, in good faith, requested a religious accommodation via email to Defendant's HR Manager Warner and CEO Bastian. Plaintiff's request was to mirror that reasonable accomodation she was granted during the Covid 19 Vaccine Manadate in which she was granted time to pray and seek spiritual guidance before making a decision, she sought to renew her badge without participating in the program until she could learn more about it. In the meantime she requested a reasonable accommodation to self-report.

6. Defendant's Denial of Reasonable Accommodation Request: On March 21, 2023, Defendant's Human Resources Manager Warner, acknowledged Plaintiff's religious accommodation request but denied it, claiming the Rap Back Program was a federal mandate with no opt-out options. Defendant failed to engage in any meaningful dialogue to explore reasonable alternatives, such as allowing Plaintiff to self-report or offering a transfer to another department within the company that didn't have to participate in the program. Defendant's Human Resource Manager Warner's failure to consider or accommodate Plaintiff's sincerely held religious beliefs constitutes a violation of Title VII.

**Claim 2: Retaliation in Violation of Title VII of the Civil Rights Act of 1964**

7. Retaliation for Requesting Accommodation: On March 22, 2023, Plaintiff met with Defendant's Department Manager Beemer and Corporate Security Mark to discuss her religious concerns regarding the Rap Back Program. Plaintiff expressed her opposition to ongoing surveillance, explaining that the program conflicted with her religious convictions. As believed she had a duty to defend and to stand up for her rights and the rights of others. After this meeting, Plaintiff was summoned again by the Defendant's Department Manager Beemer and given an ultimatum: either consent to the Rap Back Program and rebadge by March 23, 2023, or face termination.

8. Unlawful Suspension: Plaintiff did not consent to the Rap Back Program. As a result, Defendant's Department Manager Beemer seized Plaintiff's badge, escorted her off the premises, and prohibited her from collecting personal belongings, including items such as her jacket and temple pictures. Plaintiff was placed on long-term suspension, which was a retaliatory action taken by Defendant's Department Manager Beemer due to Plaintiff's engagement in protected activity and exercise of her right to request religious accommodation.

9. Termination: On April 17, 2023, Plaintiff received a termination letter that was delievered to her at home, citing that Defendant terminated her when unable to reach Plaintiff. However, this termination occurred as a direct consequence of Plaintiff's protected activity—requesting a religious accommodation and opposing the Rap Back Program on religious grounds. This constitutes unlawful retaliation under Title VII.

**Claim 3: Violation of the Religious Freedom Restoration Act (RFRA)****10. Violation of RFRA:**

Defendant's failure to reasonably accommodate Plaintiff's religious beliefs and their retaliatory actions infringe upon Plaintiff's rights under the Religious Freedom Restoration Act (RFRA), 42 U.S.C. § 2000bb. Defendant's policies and practices imposed a substantial burden on Plaintiff's religious beliefs without demonstrating a compelling government interest or using the least restrictive means of furthering that interest.

**IV. Relief**

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Plaintiff, Susana Ika, respectfully requests that the Court order the following damages and relief:

1. Back Pay: Plaintiff seeks back pay in the amount of \$4,044.80 for the lost wages from the period of suspension and unlawful termination (March 22, 2023, to April 22, 2023). This amount reflects Plaintiff's hourly wage of \$25.28 for 40 hours per week over a one-month period.
2. Future Lost Wages (Front Pay): Plaintiff seeks \$105,452.80 in future lost wages, based on her annual salary of \$52,726.40, which she would have continued to earn if she had not been unlawfully suspended and terminated. Plaintiff believes that due to the unlawful actions of the Defendant, she will likely be unable to secure similar employment within the airline or airport industry, particularly with other airlines. As a result, Plaintiff seeks compensation for 2 years of lost earnings.
3. Emotional Distress Damages: Plaintiff seeks \$50,000 for emotional distress caused by the unlawful suspension, termination, and failure to accommodate her religious beliefs. These actions have caused Plaintiff significant emotional harm, including anxiety, stress, humiliation, and loss of dignity.
4. Punitive Damages: Plaintiff seeks \$300,000 in punitive damages as a result of the Defendant's willful, malicious, and retaliatory conduct. Defendant's failure to accommodate Plaintiff's religious beliefs and subsequent retaliation for exercising her religious rights demonstrate a disregard for Plaintiff's rights and the need to deter such unlawful conduct in the future.
5. Reinstatement or Equivalent Position: Plaintiff requests reinstatement to her previous position or an equivalent position within Delta Air Lines, or, if reinstatement is not feasible, compensation for the loss of future employment opportunities in the airline or airport industry.
6. Attorney's Fees and Costs: Plaintiff requests reimbursement of reasonable attorney's fees and costs associated with bringing this action, as well as any other relief the Court deems just and proper.

**V. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

12/23/2024

Signature of Plaintiff



Printed Name of Plaintiff

Susana Ika

**B. For Attorneys**

Date of signing: \_\_\_\_\_

Signature of Attorney \_\_\_\_\_

Printed Name of Attorney \_\_\_\_\_

Bar Number \_\_\_\_\_

Name of Law Firm \_\_\_\_\_

Street Address \_\_\_\_\_

State and Zip Code \_\_\_\_\_

Telephone Number \_\_\_\_\_

E-mail Address \_\_\_\_\_